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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Nepal: international community must immediately help internally displaced people

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the worsening condition of internally displaced persons in Nepal after the massive earthquake that hit the country on 25 April 2015. This earthquake, the biggest in decades, has killed thousands of people, has damaged property and heritage, and has left millions displaced, affected around 8.1 million people in all.

2. The impact of the disaster in Nepal, when the nation was just about coming to terms with the massive internal displacement witnessed in the wake of the decade long civil war, has washed off the gains made in rehabilitating those displaced by the war. The country witnessed large-scale displacement during the civil war, with numbers estimated to be anywhere between 30,000 to 150,000 people. There were serious problems in identifying the actual number of those displaced due to several reasons, including inaccessibility of many far flung areas of the country, as well as the underground nature of the Maoist insurgency that hindered attempts to ascertain the numbers of those displaced in areas under Maoist control.

3. The ALRC also wants to draw the attention of the Human Rights Council to the fact that Nepal identifies and acknowledges the problem, as evidenced by its 2007 national policy on Internally Displaced Persons. The policy defines IDP as "a person or family who is displaced internally by compulsion owing to creation of such a situation where it is not possible to live in one's home or place of habitual residence due mainly to armed conflict or situation of violence or the conditions of gross violation of human rights". The ALRC requests the Council to recognize those internally displaced because of the disaster as IDPs and ensure all help to them. The ALRC further urges upon the Council to ask the Government of Nepal to build a database of all IDPs at the level of local government so as to ensure their relief and rehabilitation.

4. Though the definition leaves out those displaced because of natural disasters, the government of Nepal has acknowledged in last week of April that the earthquake had left more than 454,769 persons internally displaced, and expressed fears that the number could go up significantly. Apart from these people, even the most conservative estimates put the number of those in need of immediate food assistance at 1.4 million (as per the United Nations); others peg the same much higher, at around 3.5 million.

5. The availability of clean and potable drinking water is also a major problem with the earthquake having destroyed countless *dharas* (streams that bring water from mountains to communities living in hilly areas), often the only source of water in Nepal for communities living in the mountainous regions of Nepal. Furthermore, the impact of the earthquake on roads has exposed many of the chronic food short regions of Nepal like Karnali, which are dependent on food assistance. The ALRC urges upon the Council to ask the Government of Nepal to take special care of such areas, which suffer from a lack of clean drinking water and with food insecurity and ensure that the supplies are immediate and adequate, otherwise it will lead to greater illness and displacement of people and communities.

6. The Nepal Government, on its part, has been found to be wanting on various counts, including a near complete absence of presence outside Kathmandu valley. Nepal has not seen local body elections for decades and this has resulted in a serious administrative crisis on the ground. As only the bureaucrats govern most of these areas, with no checks and balances from elected representatives, allegations of corruption and incompetence abound. The earthquake has brought all these issues to the fore. The ALRC requests the Council to urge the Government of Nepal to revive local governance as early as possible, conduct local elections, and put an effective system that can deliver to the people in place.

7. The government has also been found to ill prepared to handle such an eventuality by its failure to do away with bureaucratic bottlenecks that have left a lot of relief material stranded with customs officials. The ALRC requests the Council to urge the Government of Nepal to remove peacetime customs mechanisms and facilitate the organizations and individuals bringing relief material to those areas still inaccessible to the government.

8. The enormity of the disaster, presents an opportunity as well, as it has led to significant reverse migration. Though the numbers have just started to trickle in, the patterns are clearly visible. A lot of people have started returning to the countryside, and the government must tap on this to rebuild the interiors. The ALRC requests the Council to urge upon

the Government of Nepal to take up measures aimed at creating livelihood opportunities in the villages with a proper vigilance mechanism, and this itself can only be better achieved with the help of robust local governance.